

REMARKS

Examination of this application with the afore-mentioned election and in view of the following remarks is respectfully requested.

Claims 1 - 20 were originally in this application. Claim 1 has been amended to include the limitations of Claims 4 and 5 and consequently Claims 4 and 5 have been canceled in response to the Office Action in this prosecution. Claim 20 has been amended to eliminate the reference to the now canceled Claims 4 and 5 and the previously withdrawn Claims 6-8 and 14-19 in the election of Species C. As now amended Claims 1-3, 9-13, and 20 are currently in this application and are allowable.

Claim 1 has been amended by adding the limitations of former Claims 4 and 5 to further clarify the novelty of this invention and meet the objections of the Examiner and as discussed below demonstrate that this invention is neither anticipated or rendered obvious by any of the references cited in this office action. The currently amended Claims having been discussed with the Examiner in the telephone interview of January 5, 2005, and determined to be allowable if responsive to the first office action.

DISCUSSION

This communication is a response to the office action for Harvie U.S. Patent Application No. 10/754,429.

Claim rejections.

The dependent Claim 5 was determined by the Examiner to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Consequently, Claim 1 was amended to include all the limitation language of Claim 5 and Claim 4 (an intervening claim) thus meeting the Examiner's rejection and rendering Claim 1 allowable. Claims 4 and 5 are currently being canceled being rendered redundant by the inclusion of the language of those claims in Claim 1. Pursuant to the Examiner's comments Claim 1 has been amended to include the limitations set forth in the allowable Claim 5 and the intervening Claim 4, thus rendering them

allowable as stated in the Office Action. Claims 6-8 and 14-19 were formerly withdrawn in the Election of Species C as required. As amended Claims 1-3, 9-13 and 20 are all allowable.

The Applicant has amended the Application pursuant to the Examiner's written and oral objections and statements made respecting novelty.

There is no additional fee due with respect to this filing.

On the basis of the above amendment, further examination of the application is believed to be warranted and allowance of the application as amended is believed to also be warranted.

Respectfully submitted,



Eric R. Benson, Esq.
Reg. No. 38,074

Date: January 7, 2005
Law Offices - Eric R. Benson
6A Hillside Lane
Westford, VT 05494-9769

Telephone: (802)-893-7700
Facsimile: (802)-893-6648

Continuation and Amendment of Application No. 08/040,000, filed 08/04/04, by Eric R. Benson, Esq., Attorney for Applicant, HAYES COOLIDGE VENTURE PARTNERS, L.P.